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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,772	09/27/2001	Tomio Amano	JP9-2000-0267US1 (590.083)	3441
35195	7590	01/17/2006	EXAMINER	
FERENCE & ASSOCIATES 409 BROAD STREET PITTSBURGH, PA 15143			TRAN, QUOC A	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/965,772

Applicant(s)

AMANO, TOMIO

Examiner

Quoc A. Tran

Art Unit

2176

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-22.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

*William L. Bashore*  
**WILLIAM BASHORE  
PRIMARY EXAMINER**  
1/10/2006

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed 11/30/2005 have been fully considered but they are not persuasive. As to applicant's arguments on pages 10-12, the recitation in a markup description language has not been given patentable weight because the recitation occurs in the preamble. Examiner respectfully disagrees for the detailed reasons stated in the rejection of each claim limitation previously presented in Office Action mail date 10/25/2005 (please see rejections for detail). In further support of the previous Office Action, please note the following:

A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone.

As for applicant's arguments argues of claims 1, 4, 6, 8, 10, 12, 13, 15-17, and 19-22 the rejection under 35 USC 103, on pages 10-12. Examiner respectfully disagrees for the detailed reasons stated in the rejection of each claim limitation previously presented in Office Action mail date 10/25/2005 (please see rejections for detail). In further support of the previous Office Action, please note the following:

Thielens and Stern reference teaches and/or suggests all limitations of independent claims 1, 4, 6, 8, 10, 12, 13, 15, 16 and 22 but the error correction, however (as taught by WordPerfect at pages 573-591. The spell-checking feature has an option to correct spelling or grammar when you press (Ctrl-F2), Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein error correction discloses in claim 1, would have been an obvious variant of correct spelling or grammar when you press (Ctrl-F2), to a person of ordinary skill in the art at the time the invention was made. Further more, please note the following: Independent claims 1, 4, 6, 8, 10, 12, 13, 15, 16 and 22 discloses an error correction support method for application data written in a markup description language, said method comprising the steps of: ....

In response to applicant's arguments, the recitation in a markup description language has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

There for the rejection of independent claims 1, 4, 6, 8, 10, 12, 13, 15, 16 and 22 are deemed to be proper at least for above the reason at this time.

Additionally, Thielens and Stern reference teaches and/or suggests all limitations of independent claims 1, 4, 6, 8, 10, 12, 13, 15 and 16 but the error correction, however (as taught by WordPerfect at pages 573-591. The spell-checking feature has an option to correct spelling or grammar when you press (Ctrl-F2), which has the broadest reasonable interpretations as claimed, "error correction". In addition, Thielens at col. 1, lines 30-35, i.e. the job of the copy editor is to carefully review the manuscript for changes therein. Specifically, the copy editor first manually folios or numbers all of the pages, and then reviews and edits the manuscript for grammatical and contextual errors by writing the changes on the printed manuscript, and flagging author queries and rewrites, also Stern at page 2, paragraphs [0017]-[0018], i.e. "Web browser" refers to any software program, which can display text, graphics, or both, from Web pages on World Wide Web sites. Hereinafter, the term "Web server" refers to a server capable of transmitting a Web page to the Web browser upon request. Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein data generated by first, second computer using markup language would have been an obvious variant of "Web browser" and "Web server" refers to a server capable of transmitting a Web page to the Web browser upon request, since the well known standardized language using in the "Web browser" and "Web server" is some type of markup language to a person of ordinary skill in the art at the time the invention was made that markup.

There for the rejection of independent claims 17, 19, 20 and 21 are deemed to be proper at least for above the reason at this time. .

*William L. Bashore*  
WILLIAM BASHORE  
PRIMARY EXAMINER  
11/10/2006